

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 28, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 06HD-061

Island of Hawaii

Lease to the University of Hawaii for Education, Housing, and Related Purposes;
Waiakea, South Hilo, Hawaii, Tax Map Keys: 3rd/ 2-4-01: portion of 24; 3rd/ 2-4-
56: 17 & portion of 14.

APPLICANT:

University of Hawaii, whose business and mailing address is 2444 Dole Street, Honolulu,
Hawaii 96822, Attn: Procurement & Property Management.

LEGAL REFERENCE:

Lease to the University of Hawaii - Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Government lands situated at Waiakea, South Hilo, Hawaii, identified by Tax Map Keys:
3rd/ 2-4-01: portion of 24; 3rd/ 2-4-56: 17 & portion of 14, as shown on the attached map
labeled Exhibit A-1 & A-2.

AREA and ZONING:

Tax Map Key No.	Acreage	State Land Use District	County of Hawaii Zoning
3 rd / 2-4-01: portion of 24	39.456	Urban	Residential (RS-10)
3 rd / 2-4-56: portion of 14	12.622	Urban	Residential (RS-10)
3 rd / 2-4-56: 17	1.37	Urban	Residential (RS-10)

Total acreage of approximately **53.448** acres, less the following:

1. Approximately 3 acres for Hospice of Hilo previously approved by the Board and any acreage makai of the extension of Kapiolani Street. At its meeting of January 27, 2006, under Agenda Item D-3, the Board of Land and Natural Resources approved "In-Principle" an area of approximately 3 acres from TMK: 3rd/2-4-1: 24 for lease to the Hospice of Hilo for a new General Inpatient Facility subject to a satisfactory compliance with Chapter 343, HRS, as amended.
2. The proposed Kapiolani Street Extension parcel.
3. The remainder lot makai of the proposed Kapiolani Street Extension.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant, however, parcel identified by TMK: 3rd/2-4-56: 17 is encumbered by an electrical transmission line and waterline easement. For some reason the area encumbered under General Lease S-5335 to the Hilo Baptist Church that was executed in 1995 but commenced in 1985, is not shown on the tax maps as a separate parcel and is instead included as part of TMK: 3rd/2-4-56: 14. Staff adjusted the listed acreage earlier in the submittal to reflect the deduction of 2.916 acres currently under General Lease S-5335. Staff is also recommending that the lease be subject to all existing easements.

CHARACTER OF USE:

Education, Housing and Related University Purposes.

LEASE TERM:

Sixty Five (65) years

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

ANNUAL RENT:

Gratis.

PROPERTY CHARACTERISTICS:

Utilities - All utilities are available

Slope - Gentle

Legal access to property - Legal access to the property off of both Lanikaula Street and Mohouli Street.

Subdivision - Staff has verified that the subject property is a legally subdivided lot.

Encumbrances - Staff has verified that TMK: 3rd/ 2-4-56: 17 is encumbered by an electrical transmission line easement to HELCO and waterline easements to the Water Board, County of Hawaii. The lease will be subject to any and all pre-existing easements.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

The University of Hawaii shall be required to:

- 1) Process and obtain subdivision of proposed EO parcel, the proposed Kapiolani Street Extension in accordance with County of Hawaii, Department of Public Works comments in attached Exhibit I and remainder parcel makai of the proposed Kapiolani Street Extension, at Applicant's own cost. Preliminary subdivision maps shall be subject to approval of the Chairperson prior to submission of subdivision application;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REMARKS:

The subject property is currently vacant and unencumbered. The parcels border the Wailoa Flood Control drainage way and is heavily covered with what appears to be non-native trees and vegetation. The remaining bordering properties are primarily residential in nature except for our General Lease S-4004 to the Christ Lutheran Church. Although,

the parcel itself is zoned residential, it should be noted that many of the fee residential parcels along Mohouli Street have been rezoned to commercial due to the County's General Plan.

Authorization to proceed with a request of this area by the University of Hawaii at Hilo was approved by the University of Hawaii's Board of Regents at its meeting held in February 2006. A copy of the submittal is attached as Exhibit B.

Staff has attached an aerial photo attached as Exhibit C for the Board's reference. For some reason the area encumbered under General Lease S-5335 to the Hilo Baptist Church that was executed in 1995 but commenced in 1985, is not shown on the tax maps as a separate parcel and is instead included as part of TMK: 3rd/ 2-4-56: 14. Staff adjusted the listed acreage earlier in the submittal to reflect the deduction of 2.916 acres currently under General Lease S-5335.

The US Army Reserve currently holds title to TMK: 3rd/ 2-4-56: 16 consisting of 3.7 acres and intends to decommission the facility within the next 5 years as part of an overall restructuring. Upon decommissioning, the property will revert back to the State of Hawaii and the University of Hawaii has already had discussions with the US Army Reserve on their interest in requesting the facility for their College of Pharmacy. The parcel identified as TMK: 3rd/ 2-4-56: portion of 14 abuts the Army Reserve property and will be used to supplement the Army Reserve property for the purposes of the College of Pharmacy.

The University of Hawaii has also approached the County of Hawaii regarding the extension of Kapiolani Street including the bridging of the Wailoa Flood Control and connection with Mohouli Street. The County has agreed to pursue funding of the extension of Kapiolani Street including the bridging across the flood control. Such a bridge will connect the Army Reserve area with the parcel identified as TMK: 3rd/ 2-4-01: 24 which the University of Hawaii at Hilo intends to look at for University housing.

The following is a summary of any substantive agency and community comments received:

County of Hawaii, Planning Department (See Exhibit D):

Staff has included requirements for the University of Hawaii to subdivide the proposed lease parcel, comply with the Planning Department conditions as well as a condition that the lease will be subject to all existing easements.

Christ Lutheran Church (See Exhibit E):

Although the concerns do not object to the proposed lease to the University of Hawaii, staff feels that their concern over the remainder parcel created by the extension of Kapiolani Street has merit. The extension of Kapiolani Street would provide a very distinct separation from the balance of the area leased to the University of Hawaii and may provide for other uses in the future. For that reason, staff is recommending that the remainder parcel makai of the proposed Kapiolani Street extension adjacent to the Christ Lutheran Church parcel be excluded from the lease to the University of Hawaii.

Office of Hawaiian Affairs (See Exhibit F):

Comments noted and will be forwarded to the University of Hawaii for their consideration. Comments do not warrant specific conditions to the submittal.

State of Hawaii, Department of Health (See Exhibit G):

Comments are mainly typical regulatory requirements that the University of Hawaii would have to comply with in their overall development of the property. Staff does not feel that specific conditions are necessary to the submittal as the University of Hawaii would have to address these types of basic regulatory laws at the time of development.

County of Hawaii, Fire Department (See Exhibit H):

Comments noted and will be forwarded to the University of Hawaii for their consideration during their planning process. Comments do not warrant specific conditions to the submittal.

United States, Department of the Army (See Exhibit I)

Comments are mainly typical regulatory requirements that the University of Hawaii would have to comply with in their overall development of the property. Staff does not feel that specific conditions are necessary to the submittal as the University of Hawaii would have to address these types of basic regulatory laws at the time of development.

County of Hawaii, Department of Public Works (See Exhibit J):

In consideration of the comment, staff has included a condition that the University of Hawaii be required to subdivide the proposed Kapiolani Street extension parcel in accordance with the recommendation in the letter.

Hospice of Hilo (See Exhibit K):

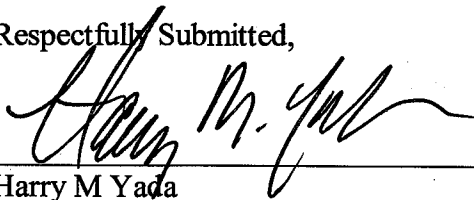
Comments noted and will forwarded to the University of Hawaii for their consideration. Comments do not warrant specific conditions to the submittal.

RECOMMENDATION: That the Board:

1. Find that the public interest demands the issuance of this direct lease to the University of Hawaii for Educational, housing and related University purposes;
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a direct lease to the University of Hawaii covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current direct lease document form for government agencies, as may be amended from time to time and as may be amended to address this specific property, use and the University of Hawaii, as an autonomous government agency;
 - B. The University of Hawaii shall be required to comply with the conditions of the County of Hawaii, Planning Department as detailed in attached Exhibit C;
 - C. The lease shall exclude the area of the Kapiolani Street extension and the makai remainder parcel;
 - D. The lease shall be subject to all existing and any previously approved undocumented easements;
 - E. The University of Hawaii shall work with the Hospice of Hilo on the configuration and subdivision of their 3 acre parcel, approved in-principle by the Board at its meeting of January 27, 2006;
 - F. Review and approval by the Department of the Attorney General; and
 - G. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

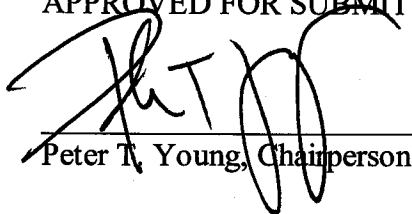
April 28, 2006

Respectfully Submitted,

my 

Harry M Yada
District Land Agent

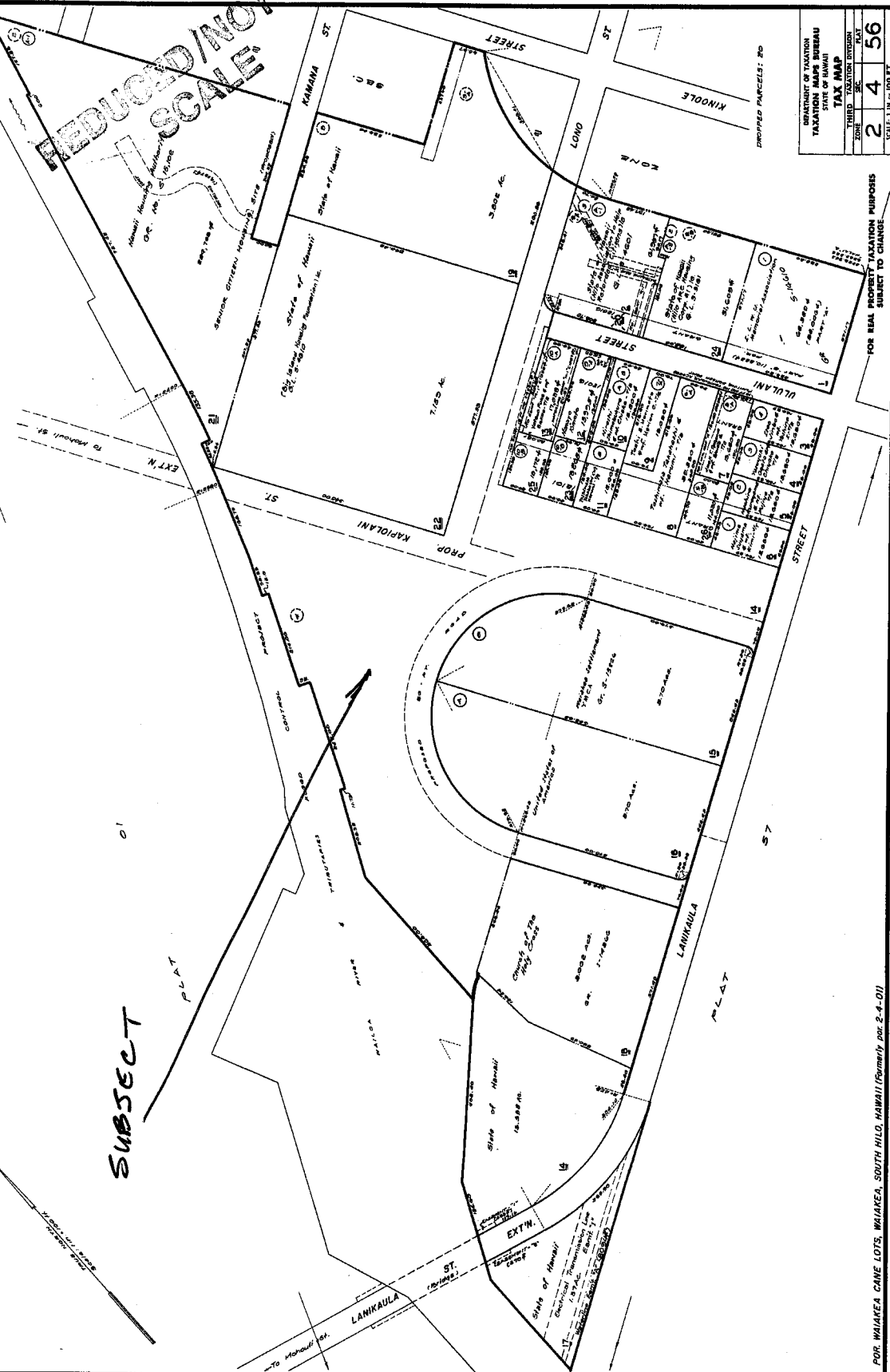
APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

REDUCED/NOT TO SCALE

SUBJECT

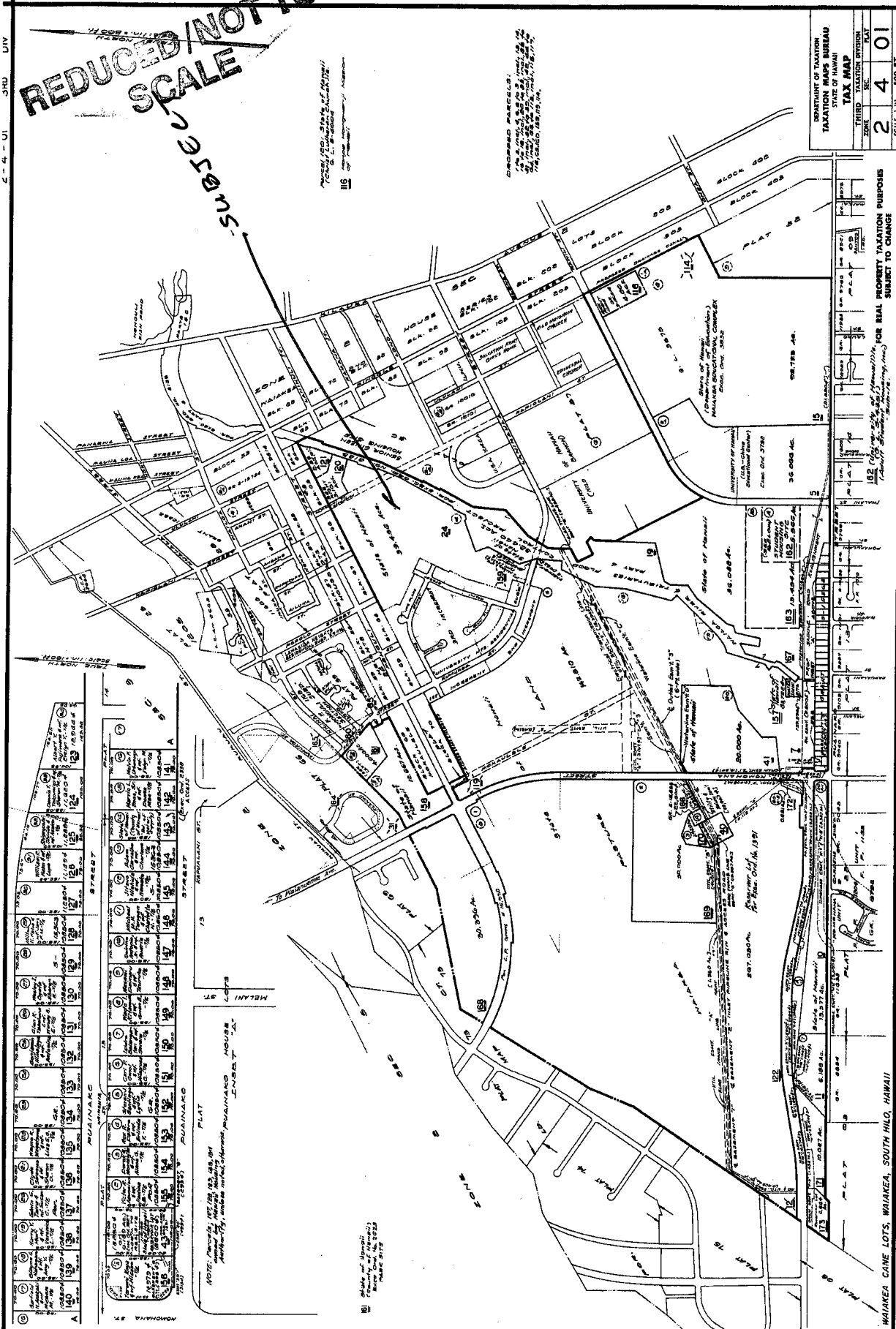


FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE

POR. WAIAKEA CANE LOTS, WAIAKEA, SOUTH HILO, HAWAII (Formerly por. 2-4-01)

EXHIBIT A-1

REDUCED SCALE
SUBJECTS



STATE OF HAWAII	2
TAX MAP	4
THIRD TAXATION DIVISION	01

WAIKAE CANE LOTS, WAIKAE, SOUTH HILO, HAWAII

EXHIBIT A-2

UNIVERSITY OF HAWAII AT HILO

UH Hilo Administration
Office of the Chancellor

2006 FEB 23 A 9:26

UNIVERSITY OF HAWAII
BOARD OF REGENTS

January 23, 2006

MEMORANDUMRECEIVED
LAND DIVISION
HILO, HAWAII

06 FEB -3 P1:27

TO: Kitty Lagareta
Chairperson, Board of Regents

VIA: David McClain
Interim President

FROM: Rose Tseng
Chancellor, University of Hawai'i at Hilo

SUBJECT: Acquisition of Real Property, Waiakea, South Hilo, Hawaii
Tax Map Keys: 3/2-4-01-24 and 3/2-4-56:14, 54.99 Acres.

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents authorize the Administration to enter into negotiation for a long-term, nominal rent lease with the Department of Land and Natural Resources (DLNR) for 54.99 acres, more or less of Government land, as shown on the attached map.

RECOMMENDED EFFECTIVE DATE

Upon Board approval.

PURPOSE

The proposed lease with DLNR to acquire 54.99 acres of State land in close proximity to the University of Hawai'i at Hilo (UH Hilo) campus is desired to further UH Hilo's academic and program expansion, to include the College of Pharmacy, additional facilities, classrooms and labs, a recreational field, and bikeways that traverse the acreage that connect and access Mohouli Street.

BACKGROUND INFORMATION

This request is submitted in accordance with Section 10-1 of the Board of Regents' Bylaws and Policies.

In October of 2005, UH Hilo entered into discussions with DLNR to lease approximately 54.99 acres of State land for a term of sixty-five years. The subject property is situated in close proximity to the UH Hilo campus (off Lanikaula Street, behind the U.S. Army Reserve

Kitty Lagareta, Chairperson
January 23, 2006
Page 2

Center), an ideal location for the operation and expansion of UH Hilo. In addition to this property, UH Hilo is also pursuing acquisition of the soon to be decommissioned U.S. Army Reserve Center (approximately 3.75 acres), which will revert back to the State of Hawai'i in accordance with the terms of the deed.

Currently, County of Hawaii is pursuing funds to extend Kapiolani Street between Mohouli and Lanikaula Street with basic infrastructure installed. This will open up the said property for development without funding from the University.

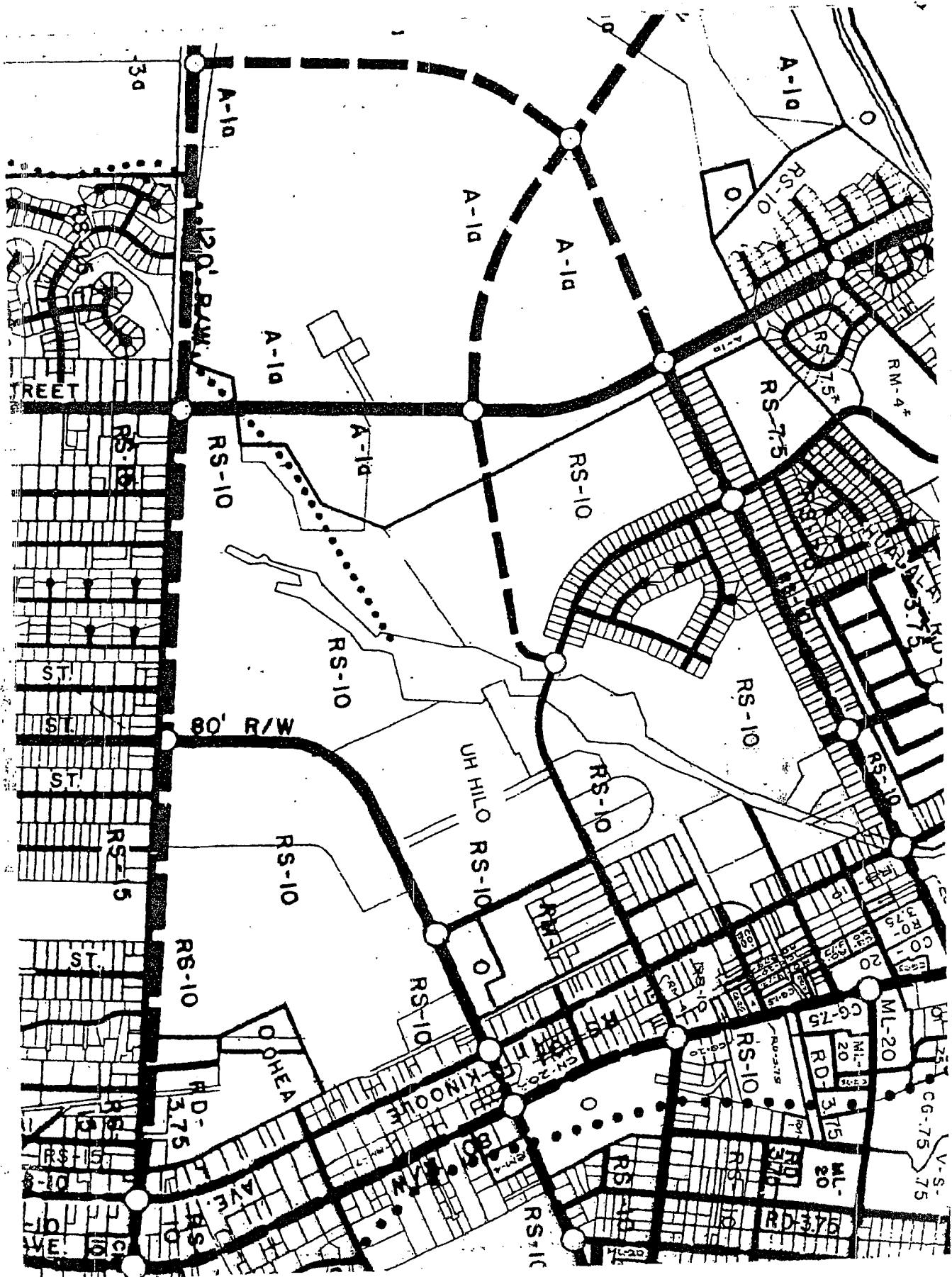
UH Hilo has requested CIP funds to update its Long Range Development Plan (LRDP). The said property will be included in the LRDP update.

ACTION RECOMMENDED

It is recommended that the authority be granted to the Administration to enter into a negotiation for a lease with DLNR for the 54.99 acre parcel to be used for future University of Hawai'i at Hilo expansion. The lease will be brought forth for BOR approval after the Office of the University General Counsel's review and approval as to form.

Attachments

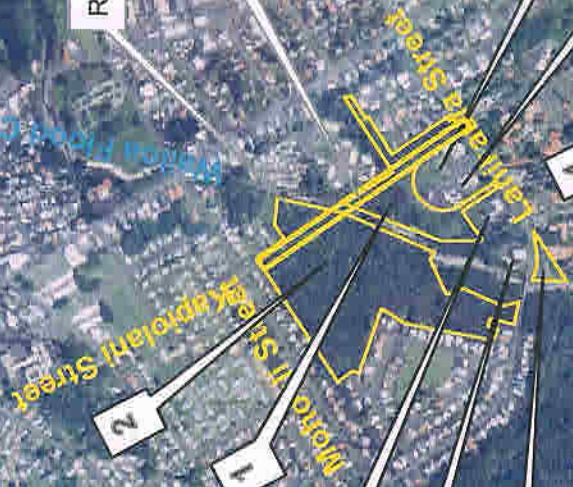
- c: Executive Administrator and Secretary of the Board Iha
Sam Callejo, Vice President for Administration



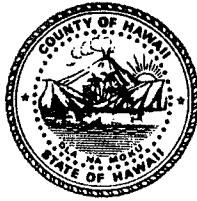
- | | |
|----|---|
| 1 | TMK: 3rd/ 2-4-56; 14 |
| 2 | TMK: 3rd/ 2-4-01; 24 |
| 3 | TMK: 3rd/ 2-4-56; 17 |
| 4 | Main Existing UH Hilo Campus |
| 5 | US Army Reserve Facility |
| 6 | YMCA Facility |
| 7 | Church of the Holy Cross |
| 8 | Hilo Baptist Church |
| 9 | USDA Pacific Basin Agricultural Research Center |
| 10 | UH's US China Center Project |
| 11 | Waiakea High School Campus |

Remainder Parcel

Proposed Kapiolani Street Extension



Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

2006 APR 10 A 10:22 County of Hawaii
PLANNING DEPARTMENT

RECEIVED
LAND DIVISION
HILO, HAWAII

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

March 29, 2006

Mr. Harry Yada
District Land Agent
Department of Land and Natural Resources
Land Division
75 Aupuni St., Rm. 204
Hilo, HI 96720

Dear Mr. Yada:

Subject: Issuance of Lease for Education, Housing, and Related Purposes
Applicant: University of Hawai'i, Ref. No. 06HD-061
Location: Waiakea, South Hilo, Hawai'i
TMKs: (3)2-4-01: Por. 24 and 2-4-56: 17 & Por. 14

This is in response to your memorandum dated March 7, 2006 requesting our review and comments on the subject application. We understand that the University of Hawai'i has applied to lease the above-referenced, state-owned properties for education, housing, and related purposes. Land Division is proposing to ask the Board of Land & Natural Resources to approve the transfer of management jurisdiction to the University of Hawai'i of the three above-referenced properties. The University would be held responsible for any required consolidation and/or subdivision of the properties as well as any Chapter 343, HRS compliance requirements.

We have the following comments to offer:

1. Consolidation and/or subdivision is required prior to issuance of a lease, per Hawaii County Subdivision Code Section 23-76 which states: *"Land shall not be offered for sale, lease or rent in any subdivision, nor shall options or agreements for the purchase, sale, leasing or rental of the land be made until approval for recordation of the final plat is granted by the director."*
2. Chapter 343, HRS compliance requirements will be triggered prior to the submittal of the consolidation and/or subdivision applications.

EXHIBIT D

Mr. Harry Yada
Page 2
March 29, 2006

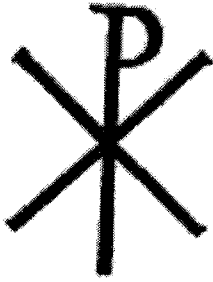
3. Our records show that subdivision of TMK (3) 2-4-56:14 was approved on September 4, 1985 (Subdivision No. 5301), dividing the parcel into two lots: a 2.916 acre lot for use by the Hilo Baptist Chapel and a 13.622 acre remaining lot. We will amend the TMK to reflect the approved boundaries of Subdivision No. 5301.
4. TMK (3) 2-4-1:24 will also need to be subdivided prior to lease of the parcel to the University and Hospice of Hilo.
5. Our records also show that an access easement was created on TMK (3) 2-4-1:24 per Subdivision No. 2197-A which was approved on January 25, 1966, but the right-of-way was never built nor was it dedicated to the county. The purpose of the road was to provide access to the University Heights Residential Subdivision- Second Increment.
6. All three properties are in the State Land Use Urban District.
7. County zoning for all three properties is Single-Family Residential District (RS-10). University uses and structures can be permitted in the residential district, provided they meet the definition of "public use" or "public structure or building." Per the Hawaii County Zoning Code, Section 25-4-11(c), *"Public uses, structures, and buildings and community buildings are permitted uses in any district, provided that the director has issued plan approval for such use."* The County Zoning Code Section 25-45(b), defines "public use" or "public structure" as *".... a use conducted by or a structure or building owned or managed by the federal Government, the State of Hawai'i or the County to fulfill a governmental function, activity or service for public benefit and in accordance with public policy."*
8. According to the General Plan Land Use Pattern Allocation Guide Map, TMK: 2-4-56:17 is designated for University Use. TMKs 2-4-56: 14 and 2-4-01: 24 are designated for Low Density Urban and High Density Urban.
9. None of the subject properties are in the Special Management Area.

Thank you for the opportunity to comment on the University's application. Should you have questions, please contact Deborah Chang of my staff at 961-8288, Ext. 254.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director



CHRIST LUTHERAN CHURCH

595 Kapiolani Street, Hilo, HI 96720-3936

Telephone: (808) 935-8612

Facsimile: (808) 933-9236

Electronic mail: christhilo@hawaii.rr.com

*"Listen! You nations of the world: listen to the Word of the Lord.
Announce it from coast to coast; declare it to distant islands."*

April 10, 2006

Mr. Harry Yada, District Land Agent
Department of Land and Natural Resources
State of Hawaii
75 Aupuni Street, Room 204
Hilo, HI 96720

Ref. No.: 06HD-061 (University of Hawaii)

Dear Mr. Yada:

We have reviewed the information that you sent with your March 7, 2006 memorandum with the above reference number. We have no major objections to the proposed use of this site that borders the property that we are currently leasing. Depending on the specific uses of the various portions of the site, we do have some concerns about the potential increase in noise and traffic that will be generated in our area.

After the Kapiolani Street extension is completed, there will be a triangular piece of property that will be bordered by the new Kapiolani Street extension, the drainage canal and our property. We are more concerned about the impact that this parcel could have on our use of our property. Should this piece ever become available as a separate parcel of land, we would appreciate being given some consideration to propose an alternative use for this land, such as leasing additional space for our congregational needs.

If you have any questions please feel free to contact me at 961-8425 (daytime phone) or call the church at 935-8612. Thank you for giving us the opportunity to submit our comments.

Sincerely,

Deanna S. Sako
President

cc: Pastor
Church Council

EXHIBIT E

PHONE (808) 594-1888

FAX (808) 594-1865



2006 APR 10 AM 10:21

RECEIVED
LAND DIVISION
HILO, HAWAII

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD06/2288

April 5, 2006

Harry Yada
District Land Agent
Department of Land and Natural Resources
Land Division
75 Aupuni Street, Room 204
Hilo, HI 96720

RE: Request for review and comment on the proposed issuance of a lease for education, housing and related purposes to the University of Hawai'i; Waiakea, South Hilo, Hawai'i; TMKs: 2-4-001:024; and 2-4-056:017 and 014

Dear Harry Yada,

The Office of Hawaiian Affairs (OHA) is in receipt of your March 7, 2006, request for comments on the above project, which would allow the University of Hawai'i to lease (for 65 years) approximately 53.448 acres of State, ceded lands, to potentially provide for faculty, and perhaps student, housing; further expand their academic programs, including the college of Pharmacy; additional facilities, classrooms and labs; a recreational field; and bikeways.

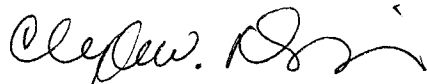
OHA has no comments at this time about the intended use of ceded lands for public education purposes. We do, however, register the hope that these Public Trust lands may be seen to be used for both educational purposes and for the betterment of Hawaiians, thus advancing two of the five listed purposes and goals for ceded lands in the Hawaii Admission Act (Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4).

EXHIBIT F

Harry Yada
April 5, 2006
Page 2

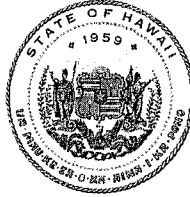
Thank you for the opportunity to comment and for taking the time to discuss this proposal with OHA staff, further clarifying the proposed use of these lands. If you have further questions, please contact Heidi Guth at (808) 594-1962 or e-mail her at heidig@oha.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o", with a stylized flourish at the end.

Clyde W. Nāmu'o
Administrator

CC: Lukela Ruddle
Community Resource Coordinator
OHA – Hilo Office
162A Baker Avenue
Hilo, HI 96720-4869



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: March 24, 2006

TO: Harry Yada, District Land Agent
Department of Land and Natural Resources

FROM: Donn A. Hashimoto *DA*
Acting District Environmental Health Program Chief

SUBJECT: Issuance of Lease for Education, Housing, and Related Purposes
Location: Waiakea, South Hilo, Hawaii
TMK: 2-4-01:Portion of 24 and 2-4-56:17 & Por. of 14
Applicant: UNIVERSITY OF HAWAII

2006 APR -6 P 12:50
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LAND DIVISION
HILLO, HAWAII

The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County sewer system.

Underground Injection Systems (Ph. 586-4258) which receive wastewater or storm runoffs from the proposed development need to address the requirements of Chapter 23, Hawaii State Department of Health Administrative Rules, Title 11, "Underground Injection Control."

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on March 9, 2006. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...". The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, Section 122.2, and Hawaii Administrative Rules (HAR), Chapter 11-54.

EXHIBIT G

2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).
- a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/individual-index.html>.
 - b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our office or downloaded from our website at: <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/general-index.html>.
 - i. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
 - ii. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities. [HAR, Chapter 11-55, Appendix C]
 - iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
 - iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
 - v. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
 - vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]

- vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
 - viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
 - ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
 - x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
 - xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]
2. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
 3. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

Hawaii Revised Statutes, Subsection 342D-50(a) requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at (808) 586-4309.

Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control."

1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

WORD:DLNR-UH.my

Harry Kim
Mayor



Darryl J. Oliveira
Fire Chief

Desmond K. Wery
Deputy Fire Chief

County of Hawai'i

FIRE DEPARTMENT

25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720
(808) 961-8297 • Fax (808) 961-8296

March 15, 2006

Harry Yada, District Land Agent
State of Hawaii
Department of Land and Natural Resources
Land Division
75 Aupuni Street, Room 204
Hilo, Hawaii 96720

SUBJECT: ISSUANCE OF LEASE FOR EDUCATION, HOUSING, AND RELATED PURPOSES
LOCATION: WAIAKEA, SOUTH HILO, HAWAII; TMK: 3RD/2-4-01:PORTION OF 24 &
3RD/2-4-56:17 & POR. OF 14
APPLICANT: UNIVERSITY OF HAWAII

In regards to the above-mentioned application, the following shall be in accordance:

Fire apparatus access roads shall be in accordance with UFC Section 10.207:

"Fire Apparatus Access Roads

"Sec. 10.207. (a) **General.** Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.

"(b) **Where Required.** Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access as measured by an unobstructed route around the exterior of the building.

"**EXCEPTIONS:** 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

"2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).

EXHIBIT H



"3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

"More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

"For high-piled combustible storage, see Section 81.109.

"(c) **Width.** The unobstructed width of a fire apparatus access road shall meet the requirements of the appropriate county jurisdiction.

"(d) **Vertical Clearance.** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

"**EXCEPTION:** Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

"(e) **Permissible Modifications.** Vertical clearances or widths required by this section may be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

"(f) **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities." (20 tons)

"(g) **Turning Radius.** The turning radius of a fire apparatus access road shall be as approved by the chief." (45 feet)

"(h) **Turnarounds.** All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

"(i) **Bridges.** When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

"(j) **Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief." (15%)

"(k) **Obstruction.** The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

"(l) **Signs.** When required by the fire chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both."

Water supply shall be in accordance with UFC Section 10.301(c):

"(c) **Water Supply.** An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed, in accordance with the respective county water requirements. There shall be provided, when required by the chief, on-site fire hydrants and mains capable of supplying the required fire flow.

"Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

"The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be protected as set forth by the respective county water requirements. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 10.207.


DARRYL OLIVEIRA
Fire Chief

AY:lpc



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

March 13, 2006

Regulatory Branch

File No. POH-2006-121

2006 MAR 16 A 9:59
Mr. Harry Yada, District Land Agent
Land Division
Hawaii Department of Land and Natural Resources
75 Aupuni Street, Room 204
Hilo, HI 96720

Dear Mr. Yada:

This responds to your request for comments for the proposed transfer of land management to University of Hawaii at Hilo at Waiakea, South Hilo District, Hawaii Island (TMKs (3) 2-4-01: por. 24 (39.456ac); 2-4-56: por. 14 (12.622ac) and 2-4-56: 17 (1.37ac)). Based on the information provided and our records, I have determined that the action to grant the transfer and subsequent lease does not involve ground disturbing activities which involve either excavation of sediments or discharge of dredged or fill material into off-site jurisdictional waters of the United States (i.e. Wailoa Flood Control Drainageway). Therefore, a DA permit will not be required for the proposed administrative transfer. This determination does not excuse the applicant from complying with other federal, state, or county permits, certifications or requirements which may be required.

In the future, if the UH-Hilo Property management program proposes activities in, adjacent to, or over jurisdictional waters (namely, any portion of the Wailoa Flood Control Drainageway system) which require excavation, dredging, or the placement of dredged or fill material, consultation should take place with Mr. Farley Watanabe of our Regulatory Branch at 808-438-7701 to determine if a DA permit may then be required. Please refer to the above file number if you or UH-Hilo need additional clarification or information.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch

Copy Furnished:

Denis R. Lau, Clean Water Branch, State Dept. of Health, POB 3378, Honolulu, HI 96801
John Nakagawa, Office of Planning, Coastal Zone Mgmt., POB 2359, Honolulu, HI 96804

EXHIBIT I

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO HAWAII

Memorandum

Date : March 9, 2006

To : HARRY YADA, District Land Agent

From : *Bruce C. McClure*
BRUCE C. McCLURE, Director DPW

SUBJECT: ISSUANCE OF LEASE - UNIVERSITY OF HAWAI'I
Waiakea, South Hilo, Hawai'i
Tmk 3rd Div.: 2-4-001: Por 024 & 2-4-056: 017 & Por 014

2006 MAR 10 10:37
LAND DIVISION
HILO, HAWAII

We have reviewed the proposed lease and have the following comments:

1. A 60-feet wide right-of-way with 20-feet corner radii at Lanikaula Street should be subdivided and set aside (from the lease) for the Extension of Kapiolani Street. The right of way should be aligned to match the existing Kapiolani Street centerline at Mohouli and Lanikaula Streets. This would facilitate the improvement and transfer of the extension to the County should it ever be constructed.
2. The County has agreed to pursue State funding for this project.

Should you have any questions please contact Galen Kuba at x8422.

c: Eng

EXHIBIT J



HOSPICE of HILO

PARTNERS IN HOPE, SUPPORT AND COMFORT

2006 MAR 13 A 11: 28

RECEIVED
LAND DIVISION
HILO, HAWAII

March 10, 2006

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Harry Yada, District Land Agent
State of Hawaii
Department of Land and Natural Resources
Land Division
75 Aupuni Street
Hilo, Hawaii 96720

Ref. No.: 06HD-061

Dear Mr. Yada,

As you are aware, the Land Board recently approved, in principle, a 3+ acre portion of the subject site for our planned general inpatient facility. We are very appreciative of the Board's action and are working towards fulfilling the terms of this approval.

Prior to this action, we have been in discussions with the University of Hawai'i at Hilo relative to its planned use of the balance of this area. We both believe that our respective uses are complementary and, as such, are supportive of this transfer.

Presently, we are working on the required Environmental Assessment (EA) and hope to complete a draft within the next 6 months. Should the transfer occur prior to completion of the EA process, it is our understanding that the agency approving the Findings of No Significant Impact (FONSI) would probably be the University. Should that be the case, we will nevertheless coordinate the review of the Draft and Final EA with your office.

Further, if this transfer is approved, we will work directly with the University on matters such as lease terms, infrastructure, site planning, and related development issues.

Thank you for this commenting opportunity.

Sincerely,

Brenda

Brenda Ho
Executive Director

cc: Dr. Bill Chen, UHH

EXHIBIT K



United Way



1011 WAIANUENUE AVENUE, HILO, HI 96720-2019
TELEPHONE: (808) 969-1733 • FACSIMILE: (808) 969-4863
E-mail: hospice@hospiceofhilo.org www.hospiceofhilo.org